

Land Laws and Other Local Laws I

Unit- I

Topic: Salient Features & Object of U.P Revenue Code 2006

Content Prepared by:

Lata Yadav Ph.D

(NET) in Law

(2019-20)



**Faculty of Law
University of Lucknow**

Disclaimer: This content is solely for the purpose of e-learning by students and any commercial use is not permitted. The author does not claim originality of the content and it is based on the following references.

SALIENT FEATURES AND OBJECT OF UTTAR PRADESH REVENUE CODE 2006

1. **Statement Of Objects And Reasons** - At present as many as 39 Acts relating to revenue law are enforced in the State of Uttar Pradesh. Out of these Acts. Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and U.P. Land Revenue Act, 1901 are the important Acts. Several enactments were enacted during the British regime. Most of the provisions of those have become obsolete. Some of the provisions of those enactments are inconsistent with each other. On account of different provisions in different enactments relating to revenue law. The revenue litigations have considerably increased. Consequently the revenue cases are pending for disposal for a very long period. Under these circumstances it has become necessary to consolidate with modifications of relevant provisions of all these enactments into single enactment.
2. It has therefore, been decided to provide for consolidating and amending the laws relating to land-tenures and land revenue in the State and for matters connected therewith and incidental thereto. The U.P. Revenue Code Bill, 2006 has, therefore, been prepared to fulfill the above mentioned requirements. The Uttar Pradesh Revenue Code Bill, 2006, is introduced accordingly.
3. The Uttar Pradesh Revenue Code 2006 (hereafter referred to as the Code) which received presidential assent in November 2012 has been enacted with the objective to consolidate and amend the law relating to land tenures (the UP Zamindari Abolition and Land Reforms Act, 1950) (ZA and LR Act) and land revenue (the UP Land Revenue Act, 1901) along with simplifying the accompanying legal rules and procedures appended with the Act.
4. **Reason for Delayed Enacted**- The process of amending the law was set in motion by the Samajwadi Party (SP) government and the bill was passed by the UP assembly in September 2006. But at the time, it could not get presidential assent and remained pending with the central government. In 2007, the Bahujan Samaj Party (BSP) assumed power and the bill was consigned to the back-burner. But while it halted the amendments, the BSP missed the opportunity to resuscitate the pro-poor, pro-dalit provisions of the old law. When the SP was voted back to power in 2012, the amended bill was once again pursued and this time, it received presidential assent. The new Act was notified in November 2012. But, the Act already assented to by the President, came to highlight again when a writ petition was filed before the Lucknow Bench of the Allahabad High Court in 2014, when Court sought the Government's response over its reluctance towards implementing the much needed legislation. The Government, finally having furnished deadline for implementation before the Court, enforced the Act on 18-12-2015. The provision of Act came into force in 2 parts. Some of the provision was enforced then and there on 18-12-2015 while some other provision came into force on 11th February 2016.

5. **Object Behind Enactment-** This Act is of great importance for the state as it repeals a number of obsolete laws, almost 32 legislation in number, enacted during the British regime; many of which are inconsistent with one another. Acting as a uniform code, the Act consolidates and amends the laws relating to land-tenures, i.e. *The U.P. Zamindari Abolition and Land Reforms Act, 1950*, and land revenue, *UP Land Revenue Act, 1901*, in the State and speeds up the disposal of the revenue cases by creating a Revenue Court for disposal of cases relating to matters provided under this Act.
6. The new revenue regime is promising in a number of ways, opening up new dimensions for the economic prosperity of the state, especially benefiting the dalits who had failed to secure buyers among their class given their economical backwardness. Now, they are free to sell their lands to whomever they want, they are free to mortgage their property with whomsoever they wish; gift the properties or lease them to people irrespective of their class and realize the worth of their assets.
7. The Uttar Pradesh Revenue Code, 2006 has been enacted to consolidate, and amend the law relating to land tenures and land revenue in the State of Uttar Pradesh. It was decided to amend the said Act with a view to facilitating the availability of land for industrialization and agricultural development in the State of Uttar Pradesh, to authorize a bhumidhar or an Asami to lease out his/ her holding or any part thereof to any person, firm, company, partnership firm, limited liability partnership firm, trust, society or any other legal entity for agriculture or for setting up a solar energy plant and for making changes in the subjects related to inheritance of land holders in the whole of the State.
8. In order to implement the aforesaid decision the Uttar Pradesh Revenue Code (Amendment) Bill, 2018 was introduced in, and passed by, the Uttar Pradesh State Legislature. The said Bill was reserved by the Governor for the consideration of the President and sent to the Government of India for obtaining the assent of the President thereon. The Government of India had suggested certain amendments in the Bill. After considering the suggestion of the Government of India it was decided that the said Bill should be withdrawn and in place thereof the Uttar Pradesh Revenue Code (Amendment) Bill, 2019 by incorporating the amendments suggested by the Government of India shall be introduced in the State Legislature.
9. Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision the Uttar Pradesh Revenue Code (Amendment) Ordinance, 2019 (U.P. Ordinance 2 of 2019) was promulgated by the Governor on March 10, 2019. This Act may be called the Uttar Pradesh Revenue Code, 2006. It extends to the whole of Uttar Pradesh.

10. The Land Revenue administration in the State of Uttar Pradesh is under the control of 2 authorities: *Revenue Courts* and *Revenue Officers*-

- The definition of *Revenue Court* is stated, under *S.4 (16) of the Code*, as Revenue court means all or any of the following authorities, the board and all members thereof. Commissioners, Additional Commissioners, , Additional Collectors, Chief Revenue Officers, Assistant Collectors, Settlement Officers, Assistant Settlement Officers, Record Officers, Assistant Record Officers, Tahsildars and Naib Tahsildars.
- The definition of *Revenue Officer* is stated, under *S. 4(17) of this Code*, as Revenue Officer means the Commissioner, an Additional Commissioners, the Collectors, an Additional Collectors, the Chief Revenue Officers, the sub-divisional officer, and an Assistant Collectors, the Settlement Officers, an Assistant Settlement Officers, the Record Officers, an Assistant Record Officers, the Tahsildars, Tahsildars(Judicial), the Naib Tahsildars, the Revenue

11. From the above definition of ‘revenue court’ and ‘revenue officer’ it is clear that there are some persons who are revenue court as well as revenue officer. When an authority deals with judicial matter, it becomes Revenue Court which is under control of Board of Revenue. When the authority deals with non-judicial matter including ministerial work it is called Revenue Officer.

12. The distinction between *non-judicial and judicial matter* is dealt in detail by Allahabad High Court in the case of ***Ram Swaroop v. Board of Revenue***

13. The Authorities under *UP Revenue Code, 2006* is given in *Chapter III of the Code* with the heading ‘*Board and the Revenue Officers*’.

<u>Authorities</u>	<u>Corresponding Section</u>	<u>Important information</u>
1. <u>Board of Revenue</u>	S.7	Board consists of Chairman and such other members as the State Government appoint. The Board shall by virtue of S.8 shall be the Chief Controlling Authority- (a) in all matters relating to disposal of cases, appeals or revisions; and (b) subject to the

2. **Commissioners and Additional Commissioners** S.11

superintendence, direction and control of the State Government, in all other matters provided in this Code.

The State Government shall appoint in each division a Commissioner and may appoint one or more Additional Commissioners in one or more Divisions.

3. **Collectors and Additional Collectors.** S.12

The State Government shall appoint, in each district, a Collector who shall be in-charge of the revenue administration and may appoint one or more Additional Collectors in a district.

The State Government may appoint in each district as many persons as it thinks fit to be Assistant Collectors of the first or second class.

4. **Sub-Divisional Officers and Additional Sub-Divisional Officers** S.13

Assistant Collector first class in charge of one or more sub-divisions of a district shall be called the Assistant Collector first class in-charge of a sub-division or a Sub Divisional Officer.

The State Government may designate an Assistant Collector first class appointed to a district to be an Additional Sub-Divisional Officer for one or more tahsils of the district.

5. **Tahsildars and Tasildars Judicial.** S.14

The State Government may appoint in each district as many persons as it thinks fit to be Tahsildars and Tahsildar Judicial

6. **Naib-Tahsildars.** S.15

The State Government may appoint in each district as many persons as it thinks fit to be Naib-Tahsildars

7. **Revenue Inspectors and Lekhpals.** S.16

The Collector may appoint in each tahsil one or more Revenue Inspectors for the proper supervision, maintenance and correction of the village records, and for such other duties